



U.S. Department of Justice

MEMO ENDORSED

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

August 31, 2007

Honorable Deborah A. Batts (By HAND)
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 2510
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/31/2007

Re: United States v. Jorge Hernandez and Nelson Weisberg
07 Cr. 817 (DAB)

Dear Judge Batts:

The defendants, Jorge Hernandez and Nelson Weisberg, were indicted on August 29, 2007. The case was assigned to Your Honor. Indictment 07 Cr. 817 is attached to this letter.

The Government respectfully requests that the Court schedule an arraignment and initial pre-trial conference for September 17, 2007, at 10AM. Mr. Hernandez was arrested, pursuant to a complaint, on August 3, 2007. He was released on his own recognizance. Nelson Weisberg, the second defendant, has not been arrested.

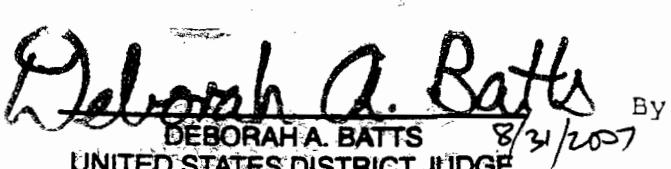
The Government also requests that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161 et seq., until September 17, 2007, in order to allow the parties to discuss a possible disposition of this case. The Government has conferred with Mr. John Byrnes, counsel to Mr. Hernandez, and he consents to the exclusion of time under the Speedy Trial Act until the 17th of September, as well as to the scheduling of the arraignment for September 17th, 2007.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney


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SO ORDERED


DEBORAH A. BATT^s
UNITED STATES DISTRICT JUDGE

cc: John J. Byrnes

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TOTAL P.02